

"STEVE" O'BRIEN OUT BECKER WITNESSES WEAKEN DEFENCE

Inspector, Against His Will,
Retired by Waldo.

CAPT. FAUROT ADVANCED

Finger Print Expert Placed in
Charge of Detective Bureau
—Hughes to Flatbush.

Police Inspector Michael Stephen O'Brien walked into Headquarters yesterday afternoon after a vacation of seven days, and was immediately and against his will retired by Commissioner Waldo. He is sixty years old and cannot fight reinstatement because Section 261 of the greater New York Charter gives the Commissioner power to retire any man not a war veteran at that age. In the days of Inspector Byrnes "Steve" O'Brien made a brilliant record as a detective.

Captain Joseph A. Faurot was appointed to the rank of Inspector and placed in charge of the Detective Bureau, and Inspector Edward G. Hughes, succeeded by Faurot, was transferred to O'Brien's district, the 16th Inspection District, which takes in the Flatbush section of Brooklyn. From childhood Inspector O'Brien has been called "Steve," and it is said that not until he inspected his birth record a few months ago did he learn that he had been christened Michael Stephen O'Brien. He was on the force has been anything but smooth and steady. On November 27, 1878, he was appointed a patrolman and on December 21, 1881, raised to the rank of roundsman, in 1885, reduced to patrolman in 1888, raised again to roundsman the same day; made a lieutenant less than a month later, made a captain two weeks later, and an inspector on January 4, 1907. Three months later he was reduced to the rank of captain and kept in that place until May 20, 1910.

O'Brien was born on January 14, 1852, and was a porter when he was appointed to No. 404 Eighth avenue, Brooklyn. Commissioner McAdoo sent him abroad a few years ago to spend three months in London, Paris and other European cities to study traffic conditions. His expense bill on his return was so small that he was teased about it. Joseph A. Faurot has an excellent record in the department. For years he has been a finger print expert, and has been in command of the Bureau of Identification of Criminals. He was appointed on December 2, 1896, made a detective sergeant in 1902, reduced to the rank of patrolman seven months later, made a detective sergeant again in 1903, a lieutenant in 1907, a captain in 1911, and yesterday was made an inspector.

He is said to have been the first man in this country to prove the value of finger prints as a means of criminal identification. In 1901 Commissioner Waldo sent him to Paris to study the Bertillon system used by the police in that city. He is now at the head of the newly organized school that is training members of the department in methods of detection.

Inspector Edward G. Hughes recently recovered from a severe cold caught while tracking "Lefty" Louis and "Gyp" the Blood.

MEDICAL SPECIALIST HELD

Dr. S. S. Manson Charged with
Attempt to Defraud Railroad.

Dr. Louis Samuel Manson, a neurologist, whose office is at No. 618 Madison avenue and who lives at No. 561 West 133d street, was arrested yesterday on a bench warrant charging him with attempted grand larceny. It is alleged that he aided in an attempt to defraud the New York, New Haven & Hartford Railroad of \$75,000. He was arraigned before Judge Swann, in General Sessions, and released in \$5,000 bail.

His indictment came about after Robert J. Jamieson, who recently pleaded guilty to perjury before Justice Blanchard, in the Criminal Branch of the Supreme Court, had made a clean breast of his misdeeds through the District Attorney's office. Jamieson is a paralytic. After a wreck near Middletown, Conn., on August 27, 1911, he was persuaded, he said, by Louis Morgan, an agent for the Equitable Life Assurance Society, to take to his bed and simulate injuries resulting from the railroad wreck. Then he sued for \$75,000 damages through Joseph Levy, an attorney, who is Dr. Manson's brother-in-law.

Dr. Pearce Bailey was employed by the railroad to examine Jamieson, and found his paralysis was of long standing and was not due to accident.

Dr. Manson testified as an expert for the defence in the case of Captain Hains in Queens County. Mr. Weller, Assistant District Attorney, is informed that he has testified in many damage suits brought in this State.

LIEUT. STANTON TO FIGHT

Intimates That Perjury Was
Committed in Grift Trial.

Lieutenant John F. Stanton, recently in charge of the investigating bureau in Flatbush Headquarters, who was dismissed from the force by Commissioner Waldo on Friday, when a detective testified that he had attempted to extort money from him two years ago, said yesterday: "As soon as my lawyer, David M. Neuberger, returns from Europe, on November 7, I shall commence criminal action. I shall take the matter before the courts, and somebody will surely be indicted."

Stanton has been in the department for seventeen years and has admitted three thousand men. Mr. Neuberger had declared that many of those who testified against the lieutenant at his trial had perjured themselves.

Frederick S. Marselle, one of Lieutenant Stanton's lawyers, said yesterday that in ten days he would ask the Appellate Division of the Supreme Court for a writ of certiorari that will force Commissioner Waldo to produce the records of the Stanton trial, so that the court may decide if the lieutenant should have been dismissed from the department or not.

It is said that the lieutenant will attempt to prove that many men with criminal records have been recommended to him by persons in authority in the Police Department and by prominent politicians. He will try to show, it was added, that if he had passed those men recommended to him the department would now be crowded with criminals.

SATISFIED WITH YOUR DRESS-MAKER?

A list of reliable and up-to-date dressmakers may be found in this issue.—Adv.

MANY WITNESSES TESTIFY; LITTLE PROGRESS IS MADE

Lieutenant Becker appeared to be in better spirits at the close of the day than his lawyers. Some one remarked to him that the total result of the testimony was perhaps not entirely satisfactory to the defence. He smiled, and said he thought it looked pretty good, but it was only one day in the trial, and the defence had had several good days before and expected several more to follow.

The proceedings dragged yesterday. Justice Goff was apparently annoyed by the long waits which occurred now and then while the "runners" for the defence were looking for witnesses who did not respond when their names were called in court.

According to the announcement of counsel, at the close of court Saturday there remained only ten or twelve witnesses to testify for the defence. More than a score were called yesterday, and Mr. McIntyre said after court that fifty or twenty more would probably be called. Some of them might not prove competent, however, he added. He said new witnesses were turning up every day. It seemed as if the defence were taking them almost at random yesterday.

After four members of Becker's former "strong arm" squad had finished their testimony, in contradiction to that of Mrs. Rosenthal and Max Margolis, relative to the circumstances surrounding the raid on Rosenthal's gambling house, in West 48th street, last April, Inspector Edward T. Hughes, who was in charge of the detective bureau, at Police Headquarters, prior to his recent illness, was called to the witness stand.

It was the intention of the defence to get Hughes's testimony on record that he and not Lieutenant Becker, delegated Stelnert and White, two of Becker's former "strong arm" squad men, to arrest "Big Jack" Zelig for carrying concealed weapons. Stelnert and White are now under indictment for perjury in the alleged "frame-up" on Zelig, and "Jack" Rose testified that Becker engineered the "frame-up" on the gang leader. No testimony along that line was admitted by Justice Goff, and Inspector Hughes was quickly excused.

Little Progress for Defense.

The defence had no better luck with the next witness, Benjamin (Boob) Walker, who was with Rosenthal at the Metropole the night of the shooting, was called for the evident purpose of discrediting the testimony of Louis Krause, an eyewitness of the crime, as Krause testified. The witness declared, however, that he had never seen the Krause who testified at the trial and did not know whether it was the same Krause with whom he was acquainted. As Krause was not around for identification purposes, Walker was promptly excused by the court.

While waiting for the next witness to put in an appearance Mr. McIntyre asked Assistant District Attorney Moss to take the witness stand. He had the assistant prosecutor identify a letter written by Mr. Moss to "a person," but could not get the letter in evidence. It was understood the letter in question was written by Mr. Moss to "Jack" Sullivan, and the defence intended to contend it threatened Sullivan unless he came forward and testified for the prosecution. Mr. Moss said afterward he had merely urged Sullivan to come forward and tell the truth in regard to what he knew about the murder of Rosenthal.

William W. Duggan, a policeman, testified to conversations with "Bridgie" Weber about three years ago, in which Weber accused Rosenthal of instigating the robbery of one of Weber's gambling houses, and also held the murdered gambler responsible for the "beating up" that Weber received about that time at the hands of a gangster known as "Tough Tony." Duggan admitted on cross-examination that he worked as a detective with Val O'Farrell on the East Side before the latter left the Police Department. O'Farrell is now employed by Becker's counsel in rounding up witnesses. The witness said it had not occurred to him to mention his former conversations with Weber until O'Farrell spoke to him about it recently.

Mugo Newgebauer and Thomas Gannon, huge boys prisoners, now confined in the Tombs awaiting trial on serious charges, were brought over from the prison to deny the assertion that the convict Halton called Becker in the Tombs, when the latter was supposed to be talking to Detective White, that no jury in the world would ever convict him of Rosenthal's murder on the testimony of a lot of crooks, and that the public would be giving him a pension for killing Rosenthal after the excitement had blown over. The witnesses testified they were present at the time the conversation occurred between Becker and White, and Becker never said any such thing.

Tangled Up in Cross-Examination.

Mr. Whitman tangled up the two prisoners from the Tombs badly on cross-examination. Their descriptions of White and the explanations of how they happened to be around when the alleged conversation occurred were not clear. The District Attorney brought out that Newgebauer had been convicted of grand larceny and was now awaiting trial for murder. Gannon had been in the Catholic Protective for robbery, he admitted. It appeared from the District Attorney's questions that he also was waiting trial for murder.

"Did you on June 17, 1912, murder Chris Larson?" Mr. Whitman asked Gannon. "No, sir," the boy replied emphatically. Mr. Moss divulged some of the points of attack the prosecution may direct against Becker in order to discredit his testimony if he is called as a witness in the examination of Charles T. O'Connell, a manufacturer of No. 1314 Charles Place, who appeared as a character witness for the defendant. Mr. O'Connell gave Becker a good character, and was then

other matters which the state contends, show a motive for Becker's alleged part in the murder. For that reason, it is believed, the defence may not consider it the best policy to call the defendant as a witness.

The reading of the testimony taken at the recent commission in Hot Springs of witnesses who had talked with "Sam" Schepps while he was there was begun by Mr. Hart, of counsel for the defence two hours before court adjourned yesterday. It is expected it will take that long, or longer, to complete the direct interrogatories and the cross-interrogatories, asked by Mr. Whitman, at to-day's session. The testimony of the Hot Springs witnesses was published in the newspapers at the time it was taken. In some respects the testimony read by Mr. Hart yesterday contradicted the story that Schepps told on the witness stand at the trial.

But the prosecution scored two big points with these police witnesses. One was that Becker did not reach the West 48th street station until 4:25 on the morning of the murder, and the second, that the raid on Rosenthal's gambling house was not an "honest and genuine raid," as Mr. McIntyre insists it was, in at least one particular.

This second point credited to the prosecution's case was brought out during the cross-examination of Patrolmen Stelnert and White, two of Becker's old "strong arm" squad men. They admitted that Herbert Hull, nephew of Mrs. Rosenthal, who was arrested by them as "John Wheelman No. 2" in the raid, did not tally with the description of "John Wheelman No. 2" in the slightest degree.

In the affidavits sworn to by Becker's "strong arm" squad "John Wheelman No. 2" is described as a man of forty-five years, with black hair mixed with gray, weighing 175 pounds, and about five feet eleven inches tall. Hull was lined up alongside the grand jury box while Stelnert was on the stand, and he appeared, as he is, a youth of nineteen years, scarcely five feet eight inches in height and with jet black hair.

Stelnert, over the objections of Mr. McIntyre, was asked to identify the youth. This he did, and then Assistant District Attorney Moss produced the court records sworn to by the "strong arm" squad men in which they gave Hull's age as thirty-five years. An attempt was made to make it appear that the thirty-five years ascribed to Hull was due to a clerical error, but this contention did not stand up under the cross fire of the Assistant District Attorney.

Patrolmen's Records Exposed. Of almost equal importance was the placing before the jury of Stelnert's and White's records. Mr. McIntyre fought hard to spare the two policemen from being forced to admit that they had defied the grand jury in the nature of the crime was not officially revealed to the jury as the result of the arrest of "Big Jack" Zelig.

But the questions of Mr. Moss left no doubts in the minds of the jury. The Assistant District Attorney made it plain that the two policemen had been prisoners in the Tombs along with the alleged "frame-up" of Zelig, which consisted of putting, in the gang leader's pocket, and then charging him with the crime of carrying concealed weapons.

White's life as a waiter and bartender in Tenderloin resorts before he became a member of the police force was laid bare to the jury. One dive he worked in was the Haymarket. This little bit of interesting history was told by White himself, over the futile objections of Mr. McIntyre, who succeeded, however, in preventing Mr. Moss from having the witness describe the acts of immorality and indecency he witnessed while an employee of the Haymarket.

Patrolman Joseph T. Shephard, one of the "strong arm" squad who participated in the raid on Rosenthal's house in April, who testified on direct examination Saturday, was the first witness of the day. He was cross-examined by Mr. Moss for the hour or so he was on the stand with mostly negative results. What he failed to answer questions. The cross-examination elicited the following:

Q—Did you see Mr. Rosenthal the day of the raid? A—No. Q—How long were you in getting the evidence against Rosenthal's? A—About half to three-quarters of an hour. Q—Did you see the men who sat at the gambling tables—the housemen? A—I didn't see their faces, as they were green shades. Q—Did the green shades cover their faces? A—Partly. They came down this far. (Here the witness indicated a line of three-quarters of an inch from the top of the forehead and extending half way around the head.)

Q—Did you have a warrant for Rosenthal? A—I don't know. Q—Did you have one for a man answering the description of Rosenthal? A—I don't know. Q—Why don't you know that? A—I never saw him. Q—Didn't you see him at the Elks' Club? A—No.

Mr. Moss asked Shephard several questions about Freeman's and other Tenderloin gambling houses, but the witness professed ignorance.

Patrolman a Wary Witness.

Patrolman James C. White, one of the two "strong arm" men indicted for the alleged "frame-up" of "Big Jack" Zelig, was the next witness. He looked ill, and as he took the oath to tell the truth, and in answer to Mr. McIntyre's opening questions described himself and said he was formerly a member of Becker's squad. In his answers he was wary, his examination proceeding as follows:

Q—Do you know the premises of Rosenthal? A—I knew the premises of Rosenthal. Q—Where did you receive instructions to raid Rosenthal's? A—in Room 106 at Police Headquarters from Lieutenant Becker. Q—Was Max Margolis present? A—I didn't see him. I'm pretty sure he wasn't. Q—Did you see Rosenthal there? A—I didn't know him.

After describing the raid itself he was asked if he saw Mrs. Rosenthal at any time. The answer was typical of the witness. It was: "I saw a woman."

Q—Where? A—On the parlor floor. Q—Did you see Mrs. Rosenthal speak to Lieutenant Becker? A—I did not. Q—Did you see her down in the basement with Lieutenant Becker? A—I did not.

These two replies were a bit of a surprise to Becker, who had expected his former subordinate to back up the story told by others called by the defence to throw down the story told by Mrs. Rosenthal, who testified Becker said to her when she asked: "Charley, what's the meaning of this?" "Sh! It had to be Herman or me."

Mr. McIntyre then took a new tack, and asked the witness questions to destroy the effect of the convict-lawyer, Hallen's testimony, who swore that while awaiting transfer to Sing Sing from the Tombs he overheard Becker in a talk with White admit the murder.

Q—On Friday, August 23, were you in the City Prison? A—I was. Q—On that occasion did you say to Becker: "Chief, I have been looking for you in your cell. I learned straight from Whitman's man that Louie had been found and that he had told Whitman everything." And did Becker say to you: "Oh, hell, suppose he has. It is only the say-so of mere crooks. Now, see here, 'Jimmie,' there is no one going to testify against us but professional criminals. No jury on earth would believe them. Just sit fast and deny everything. I tell you when all this sensation is over the public will give us pensions for killing

POLICE, FAVORING BECKER, AID PROSECUTION'S CASE

The morning session was nothing more than a procession to and from the witness stand of one policeman after another, who went on the stand to give what help they could to their associate in trouble.

But the prosecution scored two big points with these police witnesses. One was that Becker did not reach the West 48th street station until 4:25 on the morning of the murder, and the second, that the raid on Rosenthal's gambling house was not an "honest and genuine raid," as Mr. McIntyre insists it was, in at least one particular.

This second point credited to the prosecution's case was brought out during the cross-examination of Patrolmen Stelnert and White, two of Becker's old "strong arm" squad men. They admitted that Herbert Hull, nephew of Mrs. Rosenthal, who was arrested by them as "John Wheelman No. 2" in the raid, did not tally with the description of "John Wheelman No. 2" in the slightest degree.

In the affidavits sworn to by Becker's "strong arm" squad "John Wheelman No. 2" is described as a man of forty-five years, with black hair mixed with gray, weighing 175 pounds, and about five feet eleven inches tall. Hull was lined up alongside the grand jury box while Stelnert was on the stand, and he appeared, as he is, a youth of nineteen years, scarcely five feet eight inches in height and with jet black hair.

Stelnert, over the objections of Mr. McIntyre, was asked to identify the youth. This he did, and then Assistant District Attorney Moss produced the court records sworn to by the "strong arm" squad men in which they gave Hull's age as thirty-five years.

An attempt was made to make it appear that the thirty-five years ascribed to Hull was due to a clerical error, but this contention did not stand up under the cross fire of the Assistant District Attorney.

Patrolmen's Records Exposed. Of almost equal importance was the placing before the jury of Stelnert's and White's records. Mr. McIntyre fought hard to spare the two policemen from being forced to admit that they had defied the grand jury in the nature of the crime was not officially revealed to the jury as the result of the arrest of "Big Jack" Zelig.

But the questions of Mr. Moss left no doubts in the minds of the jury. The Assistant District Attorney made it plain that the two policemen had been prisoners in the Tombs along with the alleged "frame-up" of Zelig, which consisted of putting, in the gang leader's pocket, and then charging him with the crime of carrying concealed weapons.

White's life as a waiter and bartender in Tenderloin resorts before he became a member of the police force was laid bare to the jury. One dive he worked in was the Haymarket. This little bit of interesting history was told by White himself, over the futile objections of Mr. McIntyre, who succeeded, however, in preventing Mr. Moss from having the witness describe the acts of immorality and indecency he witnessed while an employee of the Haymarket.

Patrolman Joseph T. Shephard, one of the "strong arm" squad who participated in the raid on Rosenthal's house in April, who testified on direct examination Saturday, was the first witness of the day. He was cross-examined by Mr. Moss for the hour or so he was on the stand with mostly negative results. What he failed to answer questions. The cross-examination elicited the following:

Q—Did you see Mr. Rosenthal the day of the raid? A—No. Q—How long were you in getting the evidence against Rosenthal's? A—About half to three-quarters of an hour. Q—Did you see the men who sat at the gambling tables—the housemen? A—I didn't see their faces, as they were green shades. Q—Did the green shades cover their faces? A—Partly. They came down this far. (Here the witness indicated a line of three-quarters of an inch from the top of the forehead and extending half way around the head.)

Q—Did you have a warrant for Rosenthal? A—I don't know. Q—Did you have one for a man answering the description of Rosenthal? A—I don't know. Q—Why don't you know that? A—I never saw him. Q—Didn't you see him at the Elks' Club? A—No.

Patrolman a Wary Witness.

Patrolman James C. White, one of the two "strong arm" men indicted for the alleged "frame-up" of "Big Jack" Zelig, was the next witness. He looked ill, and as he took the oath to tell the truth, and in answer to Mr. McIntyre's opening questions described himself and said he was formerly a member of Becker's squad. In his answers he was wary, his examination proceeding as follows:

Q—Do you know the premises of Rosenthal? A—I knew the premises of Rosenthal. Q—Where did you receive instructions to raid Rosenthal's? A—in Room 106 at Police Headquarters from Lieutenant Becker. Q—Was Max Margolis present? A—I didn't see him. I'm pretty sure he wasn't. Q—Did you see Rosenthal there? A—I didn't know him.

After describing the raid itself he was asked if he saw Mrs. Rosenthal at any time. The answer was typical of the witness. It was: "I saw a woman."

Q—Where? A—On the parlor floor. Q—Did you see Mrs. Rosenthal speak to Lieutenant Becker? A—I did not. Q—Did you see her down in the basement with Lieutenant Becker? A—I did not.

These two replies were a bit of a surprise to Becker, who had expected his former subordinate to back up the story told by others called by the defence to throw down the story told by Mrs. Rosenthal, who testified Becker said to her when she asked: "Charley, what's the meaning of this?" "Sh! It had to be Herman or me."

Mr. McIntyre then took a new tack, and asked the witness questions to destroy the effect of the convict-lawyer, Hallen's testimony, who swore that while awaiting transfer to Sing Sing from the Tombs he overheard Becker in a talk with White admit the murder.

Q—On Friday, August 23, were you in the City Prison? A—I was. Q—On that occasion did you say to Becker: "Chief, I have been looking for you in your cell. I learned straight from Whitman's man that Louie had been found and that he had told Whitman everything." And did Becker say to you: "Oh, hell, suppose he has. It is only the say-so of mere crooks. Now, see here, 'Jimmie,' there is no one going to testify against us but professional criminals. No jury on earth would believe them. Just sit fast and deny everything. I tell you when all this sensation is over the public will give us pensions for killing

that damned crook Rosenthal." A—Positively not.

Then in answer to other questions White, who wears eyeglasses, dresses well and looks more like a bookkeeper than a policeman, said that the raid on Rosenthal's was an "honest and genuine raid."

Mr. Moss's cross-examination was searching and thorough, and White, waiting for it, and knowing his life was an open book to the prosecution, showed no hesitancy in replying, hedging only when Mr. McIntyre rose to his feet with an objection.

The cross-examination was as follows:

Q—How long have you known Becker? A—About two years. Q—What were you before you became a policeman? A—Salesman, bartender, waiter, pedler and manager.

Q—Where were you before you were transferred to Becker's squad? A—Two-Fifteen Precinct.

Q—How did you become a member of his squad? A—I was transferred.

Q—Yes, I know, but why? A—I don't know.

Q—Didn't Becker tell you? A—No.

Q—Where were you a waiter? A—At the Park View Hotel, No. 500 Sixth avenue, at Clark's on 23d street, and the Haymarket.

Q—Was Clark's an all night restaurant? A—Yes.

Q—Was No. 500 Sixth avenue? A—Yes. Q—Then did you start at the Haymarket? A—I left there the Dewey celebration.

Served First as Waiter. Q—What was your first work at the Haymarket? A—A waiter.

Q—Did you know the Elks' Club? A—Yes, at the tables.

Q—How long did you do that? A—For some time, then I was bartender and later floor manager.

Q—Did you know the character and reputation of the people who were there? A—Yes, McIntyre objected and was sustained.

Q—Did you see anything immoral and indecent in the actions of the people there? A—Yes.

Again Mr. McIntyre objected, and the court sustained him.

Q—Did you know Becker there? A—No. Q—Were you at the Elks' Club on New Year's Eve? A—I was.

Q—Were other policemen there? A—Yes. Q—Were you at the Elks' Club on New Year's Eve? A—I was.

Q—Did you see Rosenthal there? A—No, sir. Q—Did you know him? A—When he was pointed out to me in March.

Q—Where were you? A—in the hall. Q—Did you sit at the long table at the Elks' Club with Lieutenant Becker? A—No, I was in the hall.

Q—What were you doing there? A—Keeping order.

Q—Keeping order at the Elks' Club? A—Yes, Lieutenant Becker told me to see order was maintained there.

Q—What were the other occasions of your being in the Elks' Club? A—to keep order.

Q—Did you arrest "Jack" Zelig May 12? A—Yes.

Q—For carrying concealed weapons? A—Yes.

Q—Where? A—in the basement of the premises at No. 76 Second avenue.

Q—Did you swear you found the revolver in his pocket? A—Yes.

Q—Did you not on the contrary find that he had no revolver? A—I did not.

Q—And was it not in connection with this that you were in the City Prison? A—Yes.

While White was being cross-examined Justice William P. Rudd, of the Supreme Court in Albany, was escorted to a seat alongside Justice Goff.

Patrolman Charles Stelnert, once a member of Becker's squad, and also under indictment for perjury with White, was then called. His testimony on the direct was not of any particular advantage to the defence. In many instances he gave negative replies to questions intended to produce responses favorable to Becker, and in many cases the ruling of the court on Mr. Moss's objections prevented his answering.

He testified that he did not hear any conversation between Becker and Mrs. Rosenthal.

On cross-examination Mr. Moss asked him:

Q—Did you ever work with Becker? A—Not until I got on the "strong arm" squad.

Applied to Becker for Job. Q—Do you know how you came to get on the squad? A—Yes; I had been on the bicycle squad for five years, and was then sent to patrol duty. I asked several friends to try and help me to get an assignment to a position where I could be home with my wife and family nights. I was referred to Lieutenant Becker and made an application to him, and he told me he would look me up and see what he could do for me. Then I was appointed to the squad.

Q—Were you frequently on expeditions to look up information against gambling? A—I was.

Q—Did you talk with Officers White and Shephard when they left the courtroom? A—Yes.

Q—Did you sign the corroborating affidavit in the Rosenthal warrant? A—I did.

Mr. Moss then read the witness's affidavit to the jury, in which Hull was described as "John Wheelman No. 2." Mr. Moss asked the witness to describe "John Wheelman No. 2." The witness did not call him by name. Mr. Moss then asked him if he had any description in his affidavit that would fit Hull, and the witness replied he thought "John Wheelman No. 2" would fit the nephew of Mrs. Rosenthal.

When asked if Shephard told him there was a clerical error there concerning John Wheelman Mr. McIntyre was on his feet protesting against the question, saying it was misleading and not based on facts.

The court ruled Mr. Moss might ask the question. Without waiting for the witness to answer Mr. Moss fired this question at him:

"Did you hear what Mr. McIntyre said just now?"

"No, I paid no attention to him," said Stelnert.

"Nobody pays any attention to me," said Mr. McIntyre sorrowfully, causing a ripple of laughter throughout the court.

The witness, who had been calm in his replies up to this point, grew savage and snapped out his answers when questioned about the arrest of Zelig. He denied any framing up.

Mr. Moss strengthened the case for the prosecution when he had the witness contradict the impression created by White, who gave the jury to understand that Becker knew nothing of the arrest of Zelig before it was made. Stelnert said he had been assigned to assist White in the arrest by Becker.

An effort to prove by the records of the County Court of Brooklyn that Morris Luban, a witness of the murder, was convicted of a felony was frustrated by the objections of Mr. Moss.

Disappointment to Defence. Patrolman John D. O'Connor, a huge policeman with a stentorian voice, was the next witness. He was a member of Becker's squad and testified regarding the raid. His testimony was so unimportant that Mr. Moss did not cross-examine him.

Patrolman Arthur Carmack, also a former member of the "strong arm" squad, testified. He also proved a disappointment to the defence, saying he did not see Becker and Mrs. Rosenthal in conversation.

Grant Crabtree, a clerk at Police Headquarters, was called to prove the activities of Becker's squad by records of the Police Department. He was excused after Mr. Moss blocked every effort to get as

much as a word out of him, except his name and place.

C. William Jones, one of the managers of Hammerstein's Victoria Theatre, was called to disprove Luban's assertion that the Victoria was open on the night of the Rosenthal murder. Mr. Jones said the theatre was closed, but the roof garden was open. Luban testified he spent the early part of the evening at the Victoria Theatre.

Lieutenant Ernest L. Von Giezelski, of the West 47th street station, the last witness of the morning, proved a boomerang for the defence before five questions had been asked him by Mr. McIntyre. Frederick H. Hawley, who swore that he was with Becker almost continuously from 2:30 to 5:30 a. m. the morning of the murder, and said Becker did not talk with Rose or Weber, testified he reached the West 47th street station with Lieutenant Becker about ten minutes to 4. He was examined, with the following result: